

505 KAR 2:190. Waiver of compliance.

RELATES TO: KRS 15A.210-15A.240

STATUTORY AUTHORITY: KRS 15A.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.210 requires the Department of Juvenile Justice to promulgate administrative regulations governing the operation of juvenile detention centers and juvenile holding facilities. This administrative regulation establishes a waiver process for compliance with rated capacity limits at juvenile detention centers and juvenile holding facilities.

Section 1. (1) The Department of Juvenile Justice may grant a waiver of the rated capacity for an existing facility if it determines:

(a) That strict compliance may cause unreasonable difficulties in securing housing for juvenile offenders; and

(b) That a waiver does not seriously affect the security, supervision of juveniles, programs, or the safe, healthful, or efficient operation of the facility.

(2) If a waiver from this standard is desired, the responsible local authority shall submit a written request to the Department of Juvenile Justice. The written request shall include:

(a) Identification and description of the specific problems involved in meeting the capacity requirement.

(b) A description of the needed capacity change, including identification of the proposed usage of sleeping and program areas.

(c) A description of the classification to be used, additional staffing alternatives and programming.

(d) Sufficient documentation demonstrating that the waiver, if granted, does not jeopardize the security, supervision of juveniles, programs, or the safe, healthful, or efficient operation of the facility.

(3) A waiver, if granted by the Department of Juvenile Justice, shall apply only to the petitioner for the period of time specified and may include conditions imposed by the department. A waiver shall not be granted for longer than twelve (12) months. A waiver granted for a twelve (12) month period shall be reviewed at the end of the period for reapproval. (26 Ky.R. 1300; Am. 1554; eff. 2-14-2000.)